

GC No. 92-52

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

The Honorable Glenn Poshard
U.S. House of Representatives
107 Cannon House Office Building
Washington, D.C. 20515-1319

Dear Congressman Poshard:

Thank you for your recent letter in support of a proposal that would award a preference in comparative hearings for new broadcast stations to applicants who had obtained the allocation of a new broadcast frequency to the community sought to be served. You note that such a preference might support the efforts of broadcasters like your constituent, Randal J. Miller of Miller Communications, to provide FM radio service to rural areas.

The FCC is considering such a proposal in a rulemaking proceeding (GC Docket No. 92-52), which is generally reexamining the criteria used to compare applicants for new broadcast stations. In that proceeding, the FCC has requested comment as to whether it should grant a "finder's preference" to broadcast applicants who had successfully petitioned the FCC for the allotment of a new broadcast frequency to a community. Your letter will be associated with the comments in that proceeding.

You note that Miller Communications' efforts to obtain a permit to build and operate a new station in Taylorville have been delayed because of the FCC's temporary freeze on the opening of application filing windows. The FCC has temporarily frozen processing of applications for new FM facilities while it considers how to respond to the recent decision of the United States Court of Appeals, in Bechtel v. FCC, 10 F.3d 875 (D.C. Cir. 1993), invalidating the integration criterion applied in comparative broadcast hearings. The FCC initiated the freeze because the integration criterion, which awards comparative preferences to those applicants whose owners propose to work at the station, on a day-to-day basis, as managers, has been a crucial factor in many recent comparative hearings.

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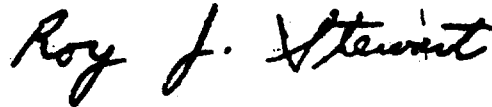
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The Honorable Glenn Poshard

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In response to the Bechtel decision, the FCC has issued a Second Further Notice of Proposed Rule Making in GC Docket No. 92-52, FCC 94-167 (released June 22, 1994), seeking further comment on how to revise its comparative criteria to comply with the Court's opinion. The new comment period will close on July 22, 1994, with reply comments due on or before August 8, 1994. The proceeding will be resolved as expeditiously as possible, and when the freeze is lifted, the FCC can again begin opening filing windows.

Sincerely,

A handwritten signature in black ink that reads "Roy J. Stewart". The signature is written in a cursive, slightly slanted style.

Roy J. Stewart
Chief, Mass Media Bureau

MBaghdad:wph:leg:prd:MMB
Typed: 07/06/94

GLENN POSHARD
19TH DISTRICT, ILLINOIS

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COMMITTEES

PUBLIC WORKS AND
TRANSPORTATION
SMALL BUSINESS

Congress of the United States
House of Representatives
Washington, DC 20515-1319

June 13, 1994

Mr. Roy Stewart, Chief
Mass Media Bureau
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

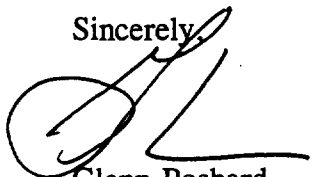
Dear Mr. Stewart:

I am writing to express my support for the concept of "pioneer's preference" and its inclusion in proposed rulemaking by the Federal Communications Commission. It is my understanding the FCC will be examining this important issue in the near future.

In recent months, Mr. Randal J. Miller of Miller Communications in Taylorville, Illinois has been working closely with the FCC in trying to establish FM radio service to the Taylorville community. Miller Communications went beyond the call of duty to provide its community with quality broadcasting by having a frequency assigned to the region by the FCC. Due to a temporary freeze on the FM filing window, Miller Communications' costly efforts to have the FM frequency allocated to them has been delayed indefinitely. "Pioneer preference" is a common sense approach that would allow Miller Communications and others in the communications industry to continue their efforts to provide FM radio service to rural regions of our country.

Thank you for your careful consideration of this important matter. If I can be of further assistance to you on this or any other matter, please feel free to contact me.

Sincerely,



Glenn Poshard
Member of Congress

GP/dej

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